

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )  
 )  
EARL C. JENKINS, M.D. )  
Certificate No. A-25009 )  
 )  
Respondent. )  
\_\_\_\_\_ )

No. D-5044

DECISION

The attached Stipulated Settlement is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective on September 16, 1994.

IT IS OR ORDERED August 17, 1994.

By: Alan E. Shumacher  
ALAN SHUMACHER, M.D.  
Secretary  
Division of Medical Quality

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JANA L. TUTON  
Supervising Deputy Attorney General  
3 ROBERT C. MILLER  
Deputy Attorney General  
4 1515 K Street, Suite 511  
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5 Sacramento, CA 94244-2550  
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6 Attorneys for Complainant  
7

8 BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
10

|                              |   |                           |
|------------------------------|---|---------------------------|
| 11 In the Matter of the      | ) | No. D-5044                |
| 12 Accusation Against:       | ) |                           |
|                              | ) | STIPULATION IN SETTLEMENT |
| 13 EARL C. JENKINS, M.D.     | ) |                           |
| 1068 S. 7th Street, No. 124  | ) |                           |
| 14 Avenal, CA 93204          | ) |                           |
|                              | ) |                           |
| 15 Physician's and Surgeon's | ) |                           |
| Certificate No. A-25009      | ) |                           |
|                              | ) |                           |
| 16 Respondent.               | ) |                           |
|                              | ) |                           |

18 Respondent Earl C. Jenkins, M.D., through his counsel  
19 Richard K. Turner, and the Medical Board of California, Division  
20 of Medical Quality, through its counsel, Deputy Attorney General  
21 Robert C. Miller, do hereby enter into the following stipulation:

22 1. Dixon Arnett, the Executive Director of the Medical  
23 Board of California (hereinafter "Board") filed accusation number  
24 D-5044 solely in his official capacity.

25 2. On November 28, 1992, the Board issued Physician's  
26 and Surgeon's Certificate Number A-25009 to Earl C. Jenkins

27 / / /

1 (hereinafter "respondent"). The certificate was in full force  
2 and effect at all times pertinent herein.

3 3. Respondent has read and understands the charges  
4 contained in the accusation. Respondent has been advised by his  
5 counsel, Mr. Turner, of the charges and possible defenses.  
6 Respondent understands that those charges, if found to be true,  
7 constitute cause for disciplinary action.

8 4. Respondent understands that he has a right to a  
9 hearing on the charges contained in the accusation, to  
10 reconsideration, to appeal, and to any and all rights accorded  
11 him by the Administrative Procedure Act and Code of Civil  
12 Procedure. Respondent hereby freely and voluntarily waives those  
13 rights in order to enter into this stipulation as a resolution of  
14 the pending accusation against him.

15 5. It is expressly understood by the parties that the  
16 admissions made herein are for the purposes of this proceeding or  
17 other proceeding before the Board and may not be used for any  
18 other purpose.

19 6. Subject to the proviso in item 5 above, respondent  
20 admits as true the allegations contained in paragraphs 20 through  
21 26A (except paragraph 28B) of accusation number D-5044.  
22 (Attached as exhibit A.)

23 7. Based on the waivers and admissions made herein,  
24 the Division of Medical Quality of the Board may issue the  
25 following decision:

26 Physician's and Surgeon's Certificate Number A-25009,  
27 heretofore issued to Earl C. Jenkins, M.D., is hereby revoked;

1 provided, however, that said revocation is stayed, and respondent  
2 is placed on probation for a period of five (5) years upon the  
3 following terms and conditions:

4 (A) As part of probation, respondent is suspended from  
5 the practice of medicine for thirty (30) days beginning the  
6 effective date of this decision.

7 (B) Within thirty (30) days of the effective date of  
8 this decision, respondent shall undergo a psychiatric evaluation  
9 (and psychological testing, if deemed necessary) by a Division-  
10 appointed psychiatrist who shall furnish a psychiatric report to  
11 the Division or its designee.

12 If respondent is required by the Division or its  
13 designee to undergo psychiatric treatment, respondent shall  
14 within thirty (30) days of the requirement notice submit to the  
15 Division for its prior approval the name and qualifications of a  
16 psychiatrist of respondent's choice. Upon approval of the  
17 treating psychiatrist, respondent shall undergo and continue  
18 psychiatric treatment until further notice from the Division.  
19 Respondent shall have the treating psychiatrist submit quarterly  
20 status reports to the Division.

21 (C) Within thirty (30) days of the effective date of  
22 this decision, respondent shall be evaluated by the Division's  
23 Diversion Program. If the Diversion Evaluation Committee  
24 determines that respondent is in need of Diversion, he shall  
25 enroll and participate in the Division's Diversion Program.  
26 Quitting the program without permission or being expelled for  
27 cause shall constitute a violation of probation by respondent.

1           (D) Respondent shall not prescribe, administer,  
2 dispense, order, or possess any controlled substances as defined  
3 by the California Uniform Controlled Substances Act. However,  
4 respondent is permitted to prescribe, administer, dispense or  
5 order controlled substances for purposes of treating in-patients  
6 at Avenal State Prison and at Lemoore Naval Air Station,  
7 respondent's current employer, and not otherwise. Respondent  
8 must notify the Division within fifteen (15) days of any change  
9 of employment within the prison system, and the above restriction  
10 shall apply to the new location of employment.

11           (E) Orders forbidding respondent from personal use or  
12 possession of controlled substances or dangerous drugs do not  
13 apply to medications lawfully prescribed to respondent for a bona  
14 fide illness or condition by another practitioner.

15           (F) Respondent shall maintain a record of all  
16 controlled substances prescribed, dispensed or administered by  
17 respondent during probation, showing all the following: (1) the  
18 name of the patient, (2) the date, (3) the character and quantity  
19 of controlled substances involved, and (4) the indications and  
20 diagnosis for which the controlled substance was furnished.

21           Respondent shall keep these records in a separate file  
22 or ledger, in chronological order, and shall make them available  
23 for inspection and copying by the Division or its designee, upon  
24 request.

25           (G) Within sixty (60) days of the effective date of  
26 this decision, respondent shall submit to the Division for its  
27 prior approval a community service program in which respondent

1 shall provide free medical services on a regular basis to a  
2 community or charitable facility or agency for at least 10 hours  
3 a month for the first 24 months of probation. Respondent is not  
4 required to perform services for any agency which does not have  
5 errors and omissions insurance.

6 (H) Within ninety (90) days of the effective date of  
7 this decision, and on an annual basis thereafter, respondent  
8 shall submit to the Division for its prior approval an  
9 educational program or course to be designated by the Division,  
10 which shall not be less than forty (40) hours per year, for the  
11 each year of probation. This program shall be in addition to the  
12 Continuing Medical Education requirements for re-licensure.  
13 Following the completion of each course, the Division or its  
14 designee may administer an examination to test respondent's  
15 knowledge of the course. Respondent shall provide proof of  
16 attendance for sixty-five (65) hours of continuing medical  
17 education of which forty (40) hours were in satisfaction of this  
18 condition and were approved in advance by the Division.

19 (I) Within sixty (60) days of the effective date of  
20 this decision, respondent shall submit to the Division for its  
21 prior approval a course in Ethics, which respondent shall  
22 successfully complete during the first year of probation.

23 (J) Within sixty (60) days of the effective date of  
24 this decision, respondent shall take and pass an oral or written  
25 exam, in a subject area of pharmacology to be administered by the  
26 Division or its designee. If respondent fails this examination,  
27 respondent must take and pass a re-examination consisting of a

1 written as well as an oral examination. The waiting period  
2 between repeat examinations shall be at three-month intervals  
3 until success is achieved. Respondent shall pay the cost of the  
4 first examination and any subsequent re-examinations.

5 If respondent fails the first examination, respondent  
6 shall cease the practice of medicine until the re-examination has  
7 been successfully passed, and has been so notified by the Division  
8 in writing. Failure to pass the required examination no later  
9 than 100 days prior to the termination date of probation shall  
10 constitute a violation of probation.

11 (K) Within thirty (30) days of the effective date of  
12 this decision, respondent shall submit to the Division for its  
13 prior approval a plan of practice in which respondent's practice  
14 shall be monitored by another physician in respondent's field of  
15 practice at each of respondent's places of employment, who shall  
16 provide quarterly reports to the Division.

17 If the monitor resigns or is no longer available,  
18 respondent shall, within fifteen (15) days, move to have a new  
19 monitor appointed, through nomination by respondent and approval  
20 by the Division.

21 Respondent is prohibited from engaging in solo practice.

22 (L) Respondent shall pay to the Division investigation  
23 and prosecution costs in the amount of two thousand dollars  
24 (\$2,000).

25 (M) Respondent shall obey all federal, state and local  
26 laws and all rules governing the practice of medicine in  
27 California.

1           (N) Respondent shall submit quarterly declarations  
2 under penalty of perjury on forms provided by the Division,  
3 stating whether there has been compliance with all of the  
4 conditions of probation.

5           (O) Respondent shall comply with the Division's  
6 probation surveillance program.

7           (P) Respondent shall appear in person for interviews  
8 with the Division's medical consultant upon request at various  
9 intervals and with reasonable notice.

10          (Q) The period of probation shall not run during the  
11 time respondent is residing or practicing outside the jurisdiction  
12 of California. If, during probation, respondent moves out of the  
13 jurisdiction of California to reside or practice elsewhere,  
14 respondent is required to immediately notify the Division in  
15 writing of the date of departure, and the date of return, if any.

16          (R) Upon successful completion of probation,  
17 respondent's certificate will be fully restored.

18          (S) If respondent violates probation in any respect,  
19 the Division, after giving notice and opportunity to be heard, may  
20 revoke probation and carry out the disciplinary order that was  
21 stayed. If an accusation or petition to revoke probation is filed  
22 against respondent during probation, the Division shall have  
23 continuing jurisdiction until the matter is final, and the period  
24 of probation shall be extended until the matter is final.


25               8. Respondent may not withdraw this stipulation prior  
26 to the Board's formal action on the stipulation. In the event  
27 / / /



1 this stipulation is not adopted by the Board, it shall have no  
2 force of effect on any party.

3 Dated: 6/22/94

4 DANIEL E. LUNGREN, Attorney General  
5 of the State of California  
6 JANA L. TUTON  
7 Supervising Deputy Attorney General

8   
9 ROBERT C. MILLER  
10 Deputy Attorney General

11 Attorneys for Complainant

12 Dated: 6.6.94

13   
14 RICHARD K. TURNER

15 Attorney for Respondent

16 Dated: 6/21/94

17   
18 EARL C. JENKINS, M.D.

19 Respondent  
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27

DANIEL E. LUNGREN, Attorney General  
of the State of California  
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Attorneys for Complainant

BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

|                             |   |                    |
|-----------------------------|---|--------------------|
| In the Matter of the        | ) | No. 5044           |
| Accusation Against:         | ) |                    |
|                             | ) | AMENDED ACCUSATION |
| EARL C. JENKINS, M.D.       | ) |                    |
| 1068 S. 7th Street, No. 124 | ) |                    |
| Avenal, CA 93204            | ) |                    |
|                             | ) |                    |
| Physician's and Surgeon's   | ) |                    |
| Certificate No. A-25009     | ) |                    |
|                             | ) |                    |
| Respondent.                 | ) |                    |

Dixon Arnett, the complainant herein, alleges as follows:

1. He is the Executive Director of the Medical Board of California and makes and files this accusation in his official capacity as such and not otherwise.

2. On or about November 28, 1972, respondent Earl C. Jenkins, M.D. was issued physician's and surgeon's certificate No. A-25009 under the laws of the State of California. The certificate is current in full force and effect.

/ / /

1           3.    Section 2234 of the Business and Professions Code  
2 (hereafter the "Code") provides that the Division of Medical  
3 Quality of the Medical Board of California shall take action  
4 against a holder of a physician and surgeon's certificate who is  
5 guilty of unprofessional conduct. Section 2234, subdivision (b),  
6 provides that gross negligence is unprofessional conduct.  
7 Section 2234, subdivision (c), provides that repeated negligent  
8 acts are unprofessional conduct.

9           4.    Section 725 of the Code provides that repeated  
10 acts of clearly excessive prescribing or administering of drugs  
11 as determined by the standard of the community of licensees is  
12 unprofessional conduct.

13           5.    Section 2241 of the Code provides that prescribing  
14 controlled substances to habitual users or addicts is  
15 unprofessional conduct.

16           6.    Section 2242, subdivision (a) of the Code provides  
17 that prescribing controlled substances without a good faith prior  
18 examination is unprofessional conduct.

19           7.    Section 2239, subdivision (a) of the Code provides  
20 that the self-prescribing or use of a controlled substance is  
21 unprofessional conduct.

22                               S.M.<sup>1/</sup>

23           8.    Respondent is subject to disciplinary action  
24 pursuant to section 2234 of the Code as more particularly alleged  
25 hereafter:

26  
27           1.    To protect patient privacy, the patient is referred to  
by initials. Disclosure of the full name will be provided to  
respondent pursuant to a timely request for discovery.



1 constituted clearly excessive prescribing of drugs as determined  
2 by the standard of the community of licensees.

3 C. Respondent violated section 2234, subdivision (b),  
4 of the Code, gross negligence, in his overall treatment of M.C.  
5 by keeping inadequate records; failing to conduct a good faith  
6 physical examination or conducting incomplete physical  
7 examinations to provide a medical basis for the drugs prescribed;  
8 failing to employ other, non-drug treatment, options; and by  
9 having M.C. sign an incomplete and misleading treatment consent  
10 form.

11 B.B.

12 10. Respondent is subject to disciplinary action  
13 pursuant to section 2234 of the Code as more particularly alleged  
14 hereafter:

15 A. Respondent commenced treatment of B.B. in January  
16 1989. From January 1989 through October 1989, respondent  
17 continuously prescribed and dispensed Demerol, Phenergran, and  
18 Codeine with Acetaminophen to B.B.

19 B. Respondent violated section 725 of the Code in  
20 that the total amount of drugs prescribed and dispensed to B.B.  
21 constituted clearly excessive prescribing of drugs as determined  
22 by the standard of the community of licensees.

23 C. Respondent violated section 2234, subdivision (b),  
24 of the Code, gross negligence, in his overall treatment of B.B.  
25 by keeping inadequate records; failing to conduct a good faith  
26 physical examination or conducting incomplete physical  
27 examinations to provide a medical basis for the drugs prescribed;

1 failing to employ other, non-drug treatment, options; and by  
2 having B.B. sign an incomplete and misleading treatment consent  
3 form.

4 G.R.

5 11. Respondent is subject to disciplinary action  
6 pursuant to section 2234 of the Code as more particularly alleged  
7 hereafter:

8 A. Respondent commenced treatment of G.R. in January  
9 1986. From January 1986 through December 1989, respondent  
10 continuously prescribed and dispensed Demerol, Xanax, Stadol, and  
11 Methadone to G.R.

12 B. Respondent violated section 725 of the Code in  
13 that the total amount of drugs prescribed and dispensed to G.R.  
14 constituted clearly excessive prescribing of drugs as determined  
15 by the standard of the community of licensees.

16 C. Respondent violated section 2234, subdivision (b),  
17 of the Code, gross negligence, in his overall treatment of G.R.  
18 by keeping inadequate records; failing to conduct a good faith  
19 physical examination or conducting incomplete physical  
20 examinations to provide a medical basis for the drugs prescribed;  
21 failing to employ other, non-drug treatment, options; and by  
22 having G.R. sign an incomplete and misleading treatment consent  
23 form.

24 W.K.

25 12. Respondent is subject to disciplinary action  
26 pursuant to section 2234 of the Code as more particularly alleged  
27 hereafter:

A. Respondent commenced treatment of W.K. in June 1988. From June 1988 through August 1989, respondent continuously prescribed and dispensed Dilaudid, Demerol, and Phenergran to W.K.

B. Respondent violated section 725 of the Code in that the total amount of drugs prescribed and dispensed to W.K. constituted clearly excessive prescribing of drugs as determined by the standard of the community of licensees.

C. Respondent violated section 2234, subdivision (b), of the Code, gross negligence, in his overall treatment of W.K. by keeping inadequate records; failing to conduct a good faith physical examination or conducting incomplete physical examinations to provide a medical basis for the drugs prescribed; failing to employ other, non-drug treatment, options; and by having W.K. sign an incomplete and misleading treatment consent form.

**R.B.**

13. Respondent is subject to disciplinary action pursuant to section 2234 of the Code as more particularly alleged hereafter:

A. Respondent commenced treatment of R.B. in May 1988. From May 1988 through January 1990, respondent continuously prescribed and dispensed Demerol and Morphine to R.B.

B. Respondent violated section 725 of the Code in that the total amount of drugs prescribed and dispensed to R.B.

/ / /

1 constituted clearly excessive prescribing of drugs as determined  
2 by the standard of the community of licensees.

3 C. Respondent violated section 2234, subdivision (b),  
4 of the Code, gross negligence, in his overall treatment of R.B.  
5 by keeping inadequate records; failing to conduct a good faith  
6 physical examination or conducting incomplete physical  
7 examinations to provide a medical basis for the drugs prescribed;  
8 failing to employ other, non-drug treatment, options; and by  
9 having R.B. sign an incomplete and misleading treatment consent  
10 form.

11 B.B.

12 14. Respondent is subject to disciplinary action  
13 pursuant to section 2234 of the Code as more particularly alleged  
14 hereafter:

15 A. Respondent commenced treatment of B.B. in June  
16 1988. From June 1988 through March 1990, respondent continuously  
17 prescribed and dispensed Demerol, Phenergran, Percodan, and  
18 Valium to B.B.

19 B. Respondent violated section 725 of the Code in  
20 that the total amount of drugs prescribed and dispensed to B.B.  
21 constituted clearly excessive prescribing of drugs as determined  
22 by the standard of the community of licensees.

23 C. Respondent violated section 2234, subdivision (b),  
24 of the Code, gross negligence, in his overall treatment of B.B.  
25 by keeping inadequate records; failing to conduct a good faith  
26 physical examination or conducting incomplete physical  
27 examinations to provide a medical basis for the drugs prescribed;



1 failing to employ other, non-drug treatment, options; and by  
2 having B.B. sign an incomplete and misleading treatment consent  
3 form.

4 N.W.

5 15. Respondent is subject to disciplinary action  
6 pursuant to section 2234 of the Code as more particularly alleged  
7 hereafter:

8 A. Respondent commenced treatment of N.W. in March  
9 1988. From March 1988 through August 1989, respondent  
10 continuously prescribed and dispensed Demerol to N.W.

11 B. Respondent violated section 725 of the Code in  
12 that the total amount of drugs prescribed and dispensed to N.W.  
13 constituted clearly excessive prescribing of drugs as determined  
14 by the standard of the community of licensees.

15 C. Respondent violated section 2234, subdivision (b),  
16 of the Code, gross negligence, in his overall treatment of N.W.  
17 by keeping inadequate records; failing to conduct a good faith  
18 physical examination or conducting incomplete physical  
19 examinations to provide a medical basis for the drugs prescribed;  
20 failing to employ other, non-drug treatment, options; and by  
21 having N.W. sign an incomplete and misleading treatment consent  
22 form.

23 S.W.

24 16. Respondent is subject to disciplinary action  
25 pursuant to section 2234 of the Code as more particularly alleged  
26 hereafter:

27 / / /



1 constituted clearly excessive prescribing of drugs as determined  
2 by the standard of the community of licensees.

3 C. Respondent violated section 2234, subdivision (b),  
4 of the Code, gross negligence, in his overall treatment of D.H.  
5 by keeping inadequate records; failing to conduct a good faith  
6 physical examination or conducting incomplete physical  
7 examinations to provide a medical basis for the drugs prescribed;  
8 failing to employ other, non-drug treatment, options; and by  
9 having D.H. sign an incomplete and misleading treatment consent  
10 form.

11 K.T.

12 18. Respondent is subject to disciplinary action  
13 pursuant to section 2234 of the Code as more particularly alleged  
14 hereafter:

15 A. Respondent commenced treatment of K.T. in March  
16 1989. From March 1989 through March 1990, respondent  
17 continuously prescribed and dispensed Methadone, Vicodin, and  
18 Percodan to K.T.

19 B. Respondent violated section 725 of the Code in  
20 that the total amount of drugs prescribed and dispensed to K.T.  
21 constituted clearly excessive prescribing of drugs as determined  
22 by the standard of the community of licensees.

23 C. Respondent violated section 2234, subdivision (b),  
24 of the Code, gross negligence, in his overall treatment of K.T.  
25 by keeping inadequate records; failing to conduct a good faith  
26 physical examination or conducting incomplete physical  
27 examinations to provide a medical basis for the drugs prescribed;

1 failing to employ other, non-drug treatment, options; and by  
2 having K.T. sign an incomplete and misleading treatment consent  
3 form.

4 D.D.

5 19. Respondent is subject to disciplinary action  
6 pursuant to section 2234 of the Code as more particularly alleged  
7 hereafter:

8 A. Respondent commenced treatment of D.D. in December  
9 1987. From December 1987 through September 1989, respondent  
10 continuously prescribed and dispensed Fiorinal and Codeine to  
11 D.D.

12 B. Respondent violated section 725 of the Code in  
13 that the total amount of drugs prescribed and dispensed to D.D.  
14 constituted clearly excessive prescribing of drugs as determined  
15 by the standard of the community of licensees.

16 C. Respondent violated section 2234, subdivision (b),  
17 of the Code, gross negligence, in his overall treatment of D.D.  
18 by keeping inadequate records; failing to conduct a good faith  
19 physical examination or conducting incomplete physical  
20 examinations to provide a medical basis for the drugs prescribed;  
21 failing to employ other, non-drug treatment, options; and by  
22 having D.D. sign an incomplete and misleading treatment consent  
23 form.

24 L.B.

25 20. Respondent is subject to disciplinary action  
26 pursuant to section 2234 of the Code as more particularly alleged  
27 hereafter:

A. On or about March 3, 1992, respondent prescribed Fastin (phentermine hydrochloride), a schedule IV controlled substance, to L.B.

B. Respondent violated section 2242, subdivision (a) of the Code in that he prescribed Fastin to L.B. without a good faith examination.

C. Respondent violated section 2239, subdivision (a) of the Code, self-prescribing, in that the Fastin prescribed to L.B. was never received by L.B.

V.B

21. Respondent is subject to disciplinary action pursuant to section 2234 of the Code as more particularly alleged hereafter:

A. On or about April 4, 1992 and May 22, 1992, respondent violated section 2242, subdivision (a) of the Code by prescribing Fastin, a schedule IV controlled substance, to V.B. without a good faith examination.

G.W.

22. Respondent is subject to disciplinary action pursuant to section 2234 of the Code as more particularly alleged hereafter:

A. On or about March 24, 1992, respondent violated section 2242, subdivision (a) of the Code by prescribing Fastin, a schedule IV controlled substance to G.W. without a good faith examination.

/ / /

/ / /

1 B. Respondent violated section 2239, subdivision (a)  
2 of the Code, self-prescribing, in that the Fastin prescribed for  
3 G.W. on March 24, 1992 was never received by her.

4 K.J.

5 23. Respondent is subject to disciplinary action  
6 pursuant to section 2234 of the Code as more particularly alleged  
7 hereafter:

8 A. On April 30, 1992, June 16, 1992, and July 16,  
9 1991, respondent violated section 2242, subdivision (a), by  
10 prescribing Fastin, a schedule IV controlled substance to K.J.  
11 without a good faith examination.

12 D.J.

13 24. Respondent is subject to disciplinary action  
14 pursuant to section 2234 of the Code as more particularly alleged  
15 hereafter:

16 A. On May 20, 1992, respondent violated section 2242,  
17 subdivision (a) of the Code by prescribing Tylenol No. 3 for D.J.  
18 without a good faith examination.

19 B. Respondent violated section 2241 of the Code by  
20 prescribing Tylenol No. 3 to D.J. who is a habitual user.

21 S.R.

22 25. Respondent is subject to disciplinary action  
23 pursuant to section 2234 of the Code as more particularly alleged  
24 hereafter:

25 A. Respondent violated section 2242, subdivision (a)  
26 by prescribing Fastin, a schedule IV controlled substance, to  
27 S.R. without a good faith examination.

L.B.

26. Respondent is subject to disciplinary action pursuant to section 2234 of the Code as more particularly alleged hereafter:

A. On March 24, 1992, April 30, 1992, and June 1, 1992, respondent violated section 2242, subdivision (a) of the Code by prescribing Fastin, a schedule IV controlled substance to L.B. without a good faith examination.

27. Respondent is subject to disciplinary action pursuant to section 2234 of the Code in that he is guilty of unprofessional conduct as more particularly alleged hereafter:

A. The factual allegations of paragraphs 5(A-C) through 26(A), above, are incorporated by reference as though fully set forth at this point.

B. The acts alleged in 5(A-C) through 26(A), or any combination thereof, constitute repeated negligent acts in violation of section 2234, subdivision (c), of the Code.

WHEREFORE complainant prays that the Division of Medical Quality hold a hearing on the matters alleged herein and following said hearing issue a decision:

1. Suspending or revoking the physician and surgeon's certificate issued to respondent Earl C. Jenkins, M.D.;

2. Prohibiting respondent from supervising a physician's assistant; and

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3. Taking such other and further action as may be

proper.

DATED: 6/23/93 Robert C. Miller for

DIXON ARNETT  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

RECEIVED  
JUL 1 1993  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA